

## REMARKS

This application has been reviewed in light of the Office Action dated February 20, 2007. Claims 1 and 2 are presented for examination. Claims 1 and 2 have been amended to define more clearly what Applicants regard as their invention. Claim 1 is in independent form. Favorable reconsideration is requested.

Applicants note that the foreign patent documents and the non-patent literature documents cited in the Information Disclosure Statement (IDS) filed August 1, 2004 were not considered by the Examiner. Applicants submit herewith a supplemental IDS citing those references and providing copies thereof.

Claims 1 and 2 were rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 5,826,241 (“Stein”).

Stein relates a payment system for enabling a first Internet user to make a payment to a second Internet user, typically for the purchase of an information product deliverable over the Internet. The payment system provides cardholder accounts for the first and second Internet users. The information product is sent from the second user to the first user over the Internet. Simultaneously, a request over the Internet to a front end portion of the payment system which requests payment from the first user is also made. The front end portion of the payment system queries the first user over the Internet whether to proceed with payment to the second user. A charge to the first user is processed off the Internet if the first user replies affirmatively; however, if the first user replies negatively, the first user is not charged for the information product. The second user is informed by the payment system regarding the first user’s decision and is paid upon collection of the charge from the first user.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP § 2131 (quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). In Applicants’ opinion, Stein does not teach or suggest “receiving a dispute from a first party relating to a transaction involving a secondary transaction number associated with a primary account, wherein the primary account comprises a primary account number and the secondary transaction number is configured to facilitate a plurality of transactions,” as recited in Claim 1.

The Examiner equates the secondary transaction number of Claim 1 with the transaction-identifier of Stein. Applicants respectfully disagree. The transaction-identifier in Stein is merely a number which identifies a transaction. On the other hand, the secondary transaction number of Claim 1 is a number that is associated with a cardholder’s primary account, *e.g.*, a charge card, where the cardholder presents or transmits the secondary transaction number (and not the primary account number) to the merchant to initiate a transaction. *See, e.g.*, Specification par. [0013]. Thus it is believed to be clear that the transaction-identifier of Stein is not equivalent to the secondary transaction number of Claim 1.

Accordingly, it is respectfully submitted that Claim 1 is patentable over Stein.

Claim 2 is dependent from Claim 1 and is therefore believed patentable for the same reasons. Since a dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of the patentability of the dependant claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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